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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,628	12/07/2000	David Bruce Kumhyr	AUS9-2000-0591-US1	1078

7590

02/12/2003

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,628

Applicant(s)

KUMHYR, DAVID BRUCE

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 13-19 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Koeppel et al., U. S. Patent 6,477,575.

As to claim 1, Koeppel teaches a method for controlling information gathered by collection agencies in an electronic transaction comprising the steps of (abstract):

- a) Selecting a persona facet by a user, wherein said persona facet selected comprises a user selectable information that will be exposed in said electronic transaction (column 11 lines 21-52);
- b) Connecting to a web site by a web browser (column 11 lines 51-52);
- c) Sending said selected persona facet to said web site by said web browser during said electronic transaction (column 11 line 21 – column 12 line 30 and Figs. 2-3, 5-6);
- d) Receiving information about said user stored in a database from said web site if said web site recognize said persona facet is taught by Koeppel as analyzing the information received from the user and receiving information about said user

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stored in a database from said web site (column 11 line 21 – column 12 line 30 and Figs. 2-3, 5-6);

e) Updating said information about said user stored in said database (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 2, Koeppel teaches comparing said user selectable information in said persona facet with said received information from said web site (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 3, Koeppel teaches said comparing step comprises parsing said information received from said web site (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 4, said web site determines if said web site recognizes said persona facet by searching a database for said persona facet is taught by Koeppel as analyzing said persona facet by using the information stored in the database and the defined rules (column 12 lines 15-60 and Figs. 5-6).

As to claim 5, Koeppel teaches if there are differences between said information received from said web site and said user selectable information in said persona facet from said comparison then said information about said user stored in said database is updated (column 12 lines 31-60 and column 13 lines 22-28).

As to claim 6, Koeppel teaches completing said electronic transaction (column 13 lines 22-28).

As to claim 7, Koeppel teaches said user selectable information comprises customer resource data (column 11 lines 36-52 and Figs. 4A-4J).

Claims 13-19 and 25-31 are rejected for the similar reasons as claims 1-7.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9, 20-21 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppel et al., U. S. Patent 6,477,575 in view of Franklin et al., U. S. Patent 6,125,352.

As to claim 8-9, Koeppel teaches user selectable information as discussed above. Koeppel does not specifically teach said user selectable information comprises a particular payment method. Franklin teaches user selectable information comprises a particular payment method (column 17 lines 62-67 and column 24 line 61 – column 25 line 11 and Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the selectable information of Koeppel to comprising a particular payment method because it would expands usages of the electronic transaction method of Koeppel, in particular for applying it for payment transaction.

Claims 20-21 and 32-33 are rejected for the similar reasons as claims 8-9.

5. Claims 10-12, 22-24 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppel et al., U. S. Patent 6,477,575 in view of Jaye, U. S. Patent 6,415,322.

As to claims 10-12, Koeppel further teaches using user's information including cookie data is collected (column 3 lines 47-51). Koeppel does not specifically teach determining whether the selected persona facet is recognized by said web site, wherein if said web site does not recognize said selected persona facet then said user selectable information is stored in cookie data, and wherein if said web site recognizes said selectable person facet then said user requests from said web site to send said information about said user stored in said database, and if said web site does not send said information about said user stored in said database then storing said user selectable information in cookie data. However, these matters are taught by Jaye as if the client is recognized (or the client has a cookie), establish the client's profile; otherwise, create a cookie for the unrecognized client (column 6 line 12 – column 7 line 45 and Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Koeppel to include the feature of establish newly discovered information in a cookie so that the information can be better traced.

Claims 22-24 and 34-36 are rejected for the similar reasons as claims 10-12.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gerace (U. S. Patent 5,991,735) discloses targeting of appropriate audience based on psychographic or behavioral profiles of end users. The psychographic profile is formed by recording computer activity and viewing habits of the end user.

Hoyle (U. S. Patent 6,141,010) discloses automatically upgradeable software application that includes real-time targeting of advertising--both demographically and reactively, based upon demographics and user interaction with the computer.

Jenkins (U. S. Patent 6,285,983) discloses real-time marketing systems and methods are provided for creating marketing profiles and for directing customized offers to consumers while preserving consumer privacy.

Burson et al. (U. S. Patent 6,405,245) discloses access to personal information associated with an end user, wherein the personal information is stored on a personal information provider. Upon activation of the link, the client computer is automatically driven to the personal information provider presenting to the user via the client computer a page on the personal information provider.

Herz (U. S. Patent 6,460,036) discloses customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based.

Gupta et al. (U. S. Patent 6,487,538) discloses profile information may be utilized by the proxy to conduct targeted advertising and to associate a cost with certain demographic information.

Matsunaga et al. (JP 11161670 A) discloses the high-precision information filtering device which can automatically reflect a user's interest.



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***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687 (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
January 30, 2003

JOHN HAYES  
John V. Hayes  
Primary Examiner